

Application No. 10/585,713
Amendment dated 2/9/11
Reply to Office action of 11/9/10

REMARKS

Claims 10-23 are pending in the present application.

Claims 10, 21, and 23 were amended in this response. Support for the amendments in claims 10, 21, and 23 can be found in FIG. 2 and paragraphs [0008] and [0015].

Claims 10-23 have been rejected under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. In response to the Examiner's arguments in paragraph 4, Applicant submits that the amendment to claims 10, 21, and 23 clarifies the relationship between the step of "waiting for expiration of the blocking time" and the step of "transmitting a second data burst". In particular, the limitation "transmitting a second data burst from the sending network node to the receiving network node immediately after expiration of the blocking time" clarifies that the sending node must wait the blocking time (which is received at the sending node) before it transmits the second data burst. In light of the present amendment to claims 10-23, the Applicant submits the objectionable matter has been addressed.

Claim 23 has been rejected because limitation three does not end with a semicolon. In light of the present amendment to claims 23, the Applicant submits the objectionable matter has been addressed.

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Claims 10-14 and 20-23 have been rejected under 35 USC §103(a) as being
unpatentable over Beshai et al. (US Patent Application Publication 2008/0165688,
hereinafter "Beshai-1) in view of Beshai et al. (US patent 7,397,792, hereinafter
Beshai-2").

The rejections are respectfully traversed.

Beshai-1 discloses a method for transmitting data between a sending network node and a receiving network node. According to FIG. 26A and paragraph [0184] "an edge node 208 sends a request to a core node 312 for permission to transfer a data burst and waits until permission is received. A reserved path remains idle until the edge node starts transmitting the burst". In particular, Beshai-1 does not teach "the sending network node receives information regarding a blocking time while transmitting the first data burst" as claim 10 of the present invention. Similarly, Beshai-1 does not teach that "the sending network node receives said information regarding the blocking time while transmitting the first data burst" as claims 21 and 23 of the present invention.

An effect of the feature "the sending network node receives information regarding a blocking time while transmitting the first data burst" is that the time for sending a request and waiting for a confirmation (see for example the "Delay" in FIG 26-A of Beshai-1) is saved, and the transmission capacity is increased. In other words, the features claimed in the independent claims 10, 21 and 23 of the present invention

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allows the claimed methods to avoid gaps between consecutive bursts, which
_____ would result in wasted bandwidth.

Moreover, Beshai-1 does not teach "transmitting a second data burst from the sending network node to the receiving network node immediately after expiration of the blocking time" as claims 10, 21 and 23 of the present invention. In cases in which the blocking time is zero, the claimed methods allow to transmit the second data burst immediately after the transmission of the first data burst (see paragraph 0015 of the present invention) without wasted bandwidth, which is made possible by the fact that the sending network node receives information regarding the blocking time while transmitting the first data burst.

Beshai-2 discloses that "A connection may be allocated several time slots per TDM frame as illustrated in FIG. 12B where a connection may have one to four time slots. At least one time slot per TDM frame, herein called a control time slot, may be used for communicating control signals. At least one time slot per TDM frame, herein called a control time slot, may be used for communicating control signals. FIG. 12C illustrates a time-sharing scheme where successive bursts, possibly belonging to different data streams, are transmitted along a time-shared channel connecting a first node to a second node. A control burst, containing control data from one node to another, is inserted at arbitrary time intervals." (Beshai-2, Fig 12B, and Fig 12C, column 18, lines 30-40).

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Even assuming that one of ordinary skill in the art would have found some motivation for modifying Beshai-1 in the manner urged by the Examiner relying on the teachings of Beshai-2, he would have allocated a control time slot for communicating information regarding a blocking time and transmitted this control time slot between successive data streams, in this way inserting an additional gap between consecutive data bursts, which would have resulted in wasted bandwidth. In particular, in cases in which the blocking time is zero, the assumed combination of Beshai-1 and Beshai-2 would never allow to transmit a second data burst immediately after the transmission of the first data burst as in the claimed invention, since the assumed combination of Beshai-1 and Beshai-2 implies always the transmission of a control burst between consecutive data bursts.

In other words, even if one of ordinary skill in the art were to combine the disclosure of Beshai-1 with that of Beshai-2, he would still not be able to arrive at the present invention, according to which "the sending network node receives information regarding the blocking time while transmitting the first data burst", so that the only time which occurs between the transmission of a first and a second data burst is the expiration of the blocking time (which in some cases may also be zero) and no additional bandwidth due to control bursts is wasted.

In response to the Examiner's arguments in paragraphs 8, 14 and 16, Applicants submits that the amendment to claims 10, 21 and 23 include the above discussed features (i.e. "the sending network node receives information regarding a blocking time while transmitting the first data burst", "transmitting a second data burst from

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the sending network node to the receiving network node immediately after
expiration of the blocking time). As such, claims 10, 21 and 23 are allowable. All
other claims depend from one of the claims 10, 21 or 23, either directly or indirectly,
and are similarly allowable.

Claims 15-17 have been rejected as being unpatentable over Beshai-1 in view of
Beshai-2 and US Patent Application Publication 2003/0099243 to Oh et al. under
35 USC §103(a).

Claims 15-17 are believed to be patentable because they are dependent upon
claim 10, which is believed to be allowable.

In light of the above, the Applicant respectfully submit that the claims 10-23 are
both novel and non obvious over the art of record. Applicant therefore submit that
this application in condition for allowance. An indication of same is solicited. In the
event that any further matters requiring attention are noted by the Examiner, or in
the event that prosecution of this application can otherwise be advanced thereby, a
telephone call to Applicants' undersigned representative at the number shown
below is invited.

Applicant reserves the right to pursue any canceled claims at a later date.

If an extension of time is required, petition for extension is herewith made. Any
extension fee associated therewith should be charged to Deposit Account Number

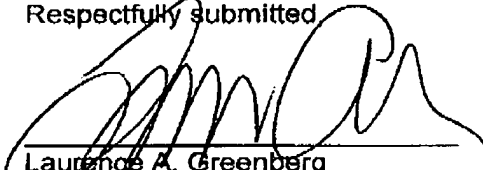
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12-1099 of Lerner Greenberg Sterner LLP. Please charge any other fees that

_____ might be due with respect to Sections 1.16 and 1.17 to Deposit Account Number

12-1099 of Lerner Greenberg Sterner LLP.

Respectfully submitted



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